IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1820 OF 2003
IN
EXECUTION APPLICATION NO.65 OF 1999
IN
COIMBATORE O.S.SUIT NO.772 OF 1986

M/s.Sha Pukhraj Mohanraj Jain .. Plaintiff

Vs.

M/s.Surya Enterprises .. Defendants

Mr.P.P.Prabha for the applicant

Mr.M.S.Jain with Mr.S.K.Jain for the plaintiff

CORAM : S.U.KAMDAR, J

DATED : 25TH APRIL 2005

P.C.:

. In the present matter there are disputes pertaining to the title in respect of flat namely Elephant Shopping Centre, 9th floor, Block No.42, Gaushala Lane, Mumbai 400064. On the record I find that there are certain discrepancies in the document. I am therefore of the opinion that the matter requires to be tried on evidence I appoint Mr.S.R.Shah Retired Judge of the City Civil Court to record evidence under Order XXVI Rule 4(a) of the CPC r/w Order XXI1 Rule 97. The issue is

whether the applicant proves that he is the owner in respect of Block No.42 and has paid the dues amount of consideration in respect thereof. The Commissioner is directed to give report on or before 30.6.05. Both the parties to share equal cost charges expenses of the commission.